



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
CALIFORNIA DIVISION
650 Capitol Mall, Suite 4-100
Sacramento, CA. 95814
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IN REPLY REFER TO
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Mr. Will Kempton, Director
California Department of Transportation
1120 N Street
Sacramento, CA 95814

Attention: Federal Resources Office, Room 3500
For Mark Leja

Dear Mr. Kempton:

SUBJECT: ADA and ITS Integration Earmarks

As you are probably aware, the Americans with Disabilities Act (ADA) was passed by Congress 15 years ago to ensure equal opportunity for persons with disabilities in employment, state and local government services, public accommodations, commercial facilities, and transportation. Some of the ADA standards which deal with the public right of way (such as curb ramps, sidewalks, etc.) apply to projects that receive federal funds via earmarks under the "Intelligent Transportation Systems (ITS) Integration Program" within the Transportation Equity Act for the 21st Century (TEA-21) or other ITS projects. Since California has several agencies which are such recipients, this letter is intended to provide a better understanding of how the ADA requirements may apply to these project.

Since many "ITS Integration" projects have different characteristics than other transportation projects, **this correspondence applies only to the ITS Integration Program Projects.** Other types of projects, including traffic signal upgrades and projects involving major construction, are NOT addressed in this memo. **Furthermore, this guidance does not cover employment requirements under the ADA or the Rehabilitation Act of 1973.**

References to applicable laws and guidance documents are listed at the end of the letter and are the "official" requirements. For ITS Integration Projects, a way to determine applicability of ADA requirements is to examine the ITS elements of the project. Common elements in ITS Integration Program projects in California are computer hardware/software, Changeable Message Signs (CMS) and Closed-Circuit TeleVision (CCTV), Communications, and public websites. These elements are discussed individually below.



1.) **Computer Hardware and Software**

Computer hardware and software that is used internally by public agencies are generally not subject to ADA requirements. This includes computer equipment at traffic/transit management centers, or other locations. However, one key exception is websites or kiosks that are accessible to the general public (see item 4 below).

2.) **Changeable Message Sign and Closed-Circuit TeleVision**

ITS Integration Projects sometimes include one or several Changeable Message Signs (CMS) or Closed-Circuit TeleVision cameras (CCTV). These are often mounted on poles near a roadway. One key question for analyzing this element for ADA requirements is: *Does the installation or operation of a CMS or CCTV unit disturb any pedestrian walkways?* The term "disturb" includes partial or complete removal as well as damage to the pedestrian facility that was caused by tunneling underneath. If a pedestrian walkway is disturbed in any of these ways, then that portion disturbed must be re-built in compliance with ADA standards. If the installation of CMS or CCTV units do not disturb pedestrian walkways, then the walkways do not have to be rebuilt. Note that CMS and CCTV units generally require communications (see below).

3.) **Communications**

Communications systems are sometimes installed as part of ITS Integration projects. For both Wireline and Wireless communications, a key question in determining ADA requirements is: *Does the installation or operation of this ITS communication system disturb any pedestrian walkways?*

These systems can take several forms:

- a.) "**Wireline**" (e.g. fiber-optic, coax, other types of cables) - If these are installed above ground using existing facilities (e.g. telephone or cable-TV poles) or underground in existing conduit, and if no pedestrian walkways are disturbed during the installation process, then the ADA REQUIREMENTS do not require any changes to nearby walkways. If installation requires digging trenches in the ground and those trenches disturb a pedestrian walkway, then that walkway must be rebuilt to ADA standards. If the trench is within the roadway itself, all legal crosswalks are considered pedestrian walkways and the portion of the roadway that is disturbed must be rebuilt to ADA standards.
- b.) "**Wireless**" communications require antennas, which can be mounted on poles, buildings, roadside signs, or other structures. If these structures already exist and no pedestrian walkways are disturbed during installation or operation of these communications systems, then ADA does not require any changes to nearby walkways.

4.) **Public Websites or Kiosks**

ITS Integration Projects sometimes include a website, which may be accessible to the public or restricted to designated parties. If the website (or kiosk) will be available to the public (e.g., for distributing traveler information), then it must meet the requirements of Section 508 of the Rehabilitation Act of 1973 (as amended in 1998). This means that the

website must include features that enable the use of "assistive technology" by people with certain types of disabilities. Section 508 is a requirement for recipients of federal funds and for federal agencies. If the kiosk or website is not intended for public use, then both the recipient and the federal agency must ensure that accessibility for the information on the technological device is available for any employees. For further information, see reference 2 below.

Keep in mind for all elements listed above, **if the roadway is disturbed within the intersection the entity would be required to provide compliant curb ramps as required in 28 CFR 35.151 (e)(1).**

As stated above, references to the applicable laws and guidance documents are:

References:

- 1.) ADA website -- www.ADA.gov
- 2.) ADA regulations -- www.ADA.gov/reg2.html (See especially section 151 (b) and (e).)
- 3.) Section 508 websites -- www.section508.gov and http://www.ittatc.org/technical/experts/answers.php?qa_id=17&sid=0d4ad9079e9375a653f985181886c926

We request that the California Department of Transportation (Caltrans) provide this guidance regarding the ITS Integration Projects and ADA to the appropriate entities. If you have further questions about the above material, or if a ITS Integration project includes ITS elements not discussed above, please contact Karen Bobo at (916) 498-5852 or via e-mail at karen.bobo@fhwa.dot.gov or Jeff Holm at (916) 498-5021 or via e-mail at jeff.holm@fhwa.dot.gov.

Sincerely,

/s/ Dennis A. Scovill

Dennis A. Scovill
Chief Operating Officer

cc:

Kris Balaji, Caltran Traffic Operations
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